## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

UNITED STATES OF AMERICA	§	
ex rel. DANIEL MONTES, JR. and	§	
ELIZABETH H. HUDSON,	§	
	§	
Plaintiffs-Relators,	§	
	§	
v.	§	CIVIL ACTION NO. 5:16-CV-523-JKP
	§	
MAIN BUILDING	§	
MAINTENANCE, INC., JXM,	§	
INC., ROBERT A. XIMENES,	§	
ELVIRA H. XIMENES, and	§	
MARGAUX I. XIMENES,	§	
	§	

## JOINT MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE

#### TO THE HONORABLE COURT:

Defendants.

Relator Elizabeth H. Hudson¹ and Defendants Main Building Maintenance, Inc. and JXM, Inc., Robert A. Ximenes and Elvira H. Ximenes, and Margaux I. Ximenes (collectively, "the Parties") file this Joint Motion for Order of Dismissal with Prejudice, and in support would respectfully show:

- 1. This case was filed under seal on June 8, 2016. ECF No. 1. The United States filed a notice declining to intervene, ECF No. 24, after which the case was unsealed.
- 2. On August 2, 2022, the parties notified the Court that a settlement had been reached during a mediation attended by the Parties and a representative of the United States. ECF No. 112.

<sup>&</sup>lt;sup>1</sup> Relator Daniel Montes, Jr. was dismissed with prejudice by stipulation of the parties on March 28, 2022. *See* ECF No. 104.

3. The Parties have now finalized and memorialized their settlement. In addition, the Parties have obtained the proper approval of and consent to the settlement and dismissal from the United States as required under 31 U.S.C. § 3730. The Parties understand that the United States will be filing its notice of consent promptly upon the filing of this joint motion.

4. Accordingly, the Parties respectfully request that the Court enter the attached Order of Dismissal With Prejudice. This joint request is not made for purposes of delay, but so that justice can be done.

DATED: February 28, 2023.

Respectfully submitted,

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# **CERTIFICATE OF SERVICE**

I certify that on the February 28, 2023, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and all counsel of record will receive an electronic copy via the Court's CM/ECF system.

/s/ Caroline Newman Small

Caroline Newman Small